IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 96 of 1991

Date of Decision: 21-07-2005

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant

Versus

HAJUBEN WD/O.RAHIMBHAI ABDULBHAI MANSURI & Ors. Defendants

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[See Next Page for Full Title]

Coram:

The Hon'ble Mr. Justice Bhawani Singh, Chief Justice

The Hon'ble Mr. Justice H.K. Rathod, Judge

Whether approved for Reporting?

For Appellant:

MR MD PANDYA

For Respondents

MR MR MOLAVI

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PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

1. This appeal is directed against the award of Motor Accident Claims Tribunal, (Main), Sabarkantha, Himmatnagar passed in Motor Accident Claim Petition No.393 of 1986.

2. Accident took place on 14.05.1986 at about 3.00p.m. Deceased Rahimbhai Abdulbhai Mansuri (deceased) was driving

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Whether Reporters of Local Papers may be allowed to see the Judgment?

jeep no. GRN 208. He was going from Idar to Gorol. When the jeep was passing near bus stand of Badoli, ST bus GRU 6992 driven rashly and negligently dashed against his jeep causing serious injuries apart from damage to the jeep. The result was, deceased died on way to hospital at Idar, leaving behind widow and the minor children. Consequently, compensation is claimed alleging rash and negligent driving on the part of bus driver. Deceased was earning Rs.1,200/- per month. He was 40 year old. These averments of claimants have been disputed by the other party. Accordingly, the question fell for consideration was whether accident was caused due to rash and negligent driving on the part of bus driver or jeep driver or both of them.

3. After appreciating the evidence, the Claims Tribunal held that accident was caused as alleged. Therefore, compensation of Rs. 1,31,000 was awarded with interest @ 12% from the date of application till payment.

4. Through this appeal, the judgment is assailed by the appellant. On perusal of evidence, it cannot be said that the finding of the Claims Tribunal on issue no.1, relating to rash and negligent driving by bus driver, is wrong. On the contrary, it is found otherwise, therefore, the finding of the Claims Tribunal is

confirmed.

5. With regard to assessment of compensation against income of Rs.1,200/- per month claimed by the widow of the deceased, compensation has been assessed at Rs.1,000/- per month. Making a deduction of Rs.300/- towards personal expenses, multiplying the left out amount of Rs.700/- by 12, thereafter by multiplier 15, compensation of Rs.1,26,000/- was arrived and after making deduction of Rs.15,000/- for immediate payment, compensation of Rs.1,11,000/- is awarded. Adding Rs.15,000/- for loss caused to the wife (consortium), Rs.5,000/- (loss of love and affection to children), the total compensation comes to Rs.1,31,000/-. There is no mistake in the assessment of compensation, which is otherwise just and proper.

   Consequently, the appeal fails and is dismissed. Costs of this appeal shall be borne by the parties. Claims Tribunal to disburse the amount to the claimants on proper verification.

(BHAWANI SINGH)
Chief Justice

(H.K. RATHOD)
Judge

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